

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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RICHARD JOSEPH GERACE,  
Plaintiff,

v.

ORDER  
12-CV-412

MICHAEL A. ASTRUE, Commissioner of  
Social Security,

Defendant.

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The above-referenced case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1)(B). On February 14, 2013, Magistrate Judge Scott filed a Report and Recommendation, recommending that the decision of the Commissioner be affirmed, that Defendant's motion for judgment on the pleadings be granted, and plaintiff's motion for similar relief in his favor be denied.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, the decision of the Commissioner is affirmed, Defendant's motion for judgment on the pleadings is granted and plaintiff's motion for similar relief in his favor is denied.

The Clerk of Court shall take all steps necessary to close the case.

SO ORDERED.

*s/ Richard J. Arcara*

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HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: March 8, 2013